



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/875,191

06/07/2001

Akio Saito

862.C2253

7667

5514

7590

11/29/2005

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

SHANNON, MICHAEL R

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/875,191	SAITO, AKIO	
	Examiner	Art Unit	
	Michael R. Shannon	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 15-35, 38-47, 49 and 50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 15-35, 38-47, 49 and 50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed September 16, 2005 have been fully considered but they are not persuasive.

The sole argument presented by the Applicant relates to the predetermined extraction timings and predetermined extraction periods, wherein the predetermined extraction periods at some of the predetermined extraction timings are different from each other. The Applicant does not believe that Shimazaki (USPN 6,160,950) discloses this claimed feature. However, the Examiner contends that the Shimazaki reference clearly teaches the ability to vary the extraction periods at different extraction points for the purpose of creating an index (or digest) of the recorded video. Column 10, lines 41-47 clearly teach that "by the ***time setting input circuit 713, it is possible to set the time range of the image to be recorded as index***, such as the image 1 minute after CM detection, image 2 minutes before CM detection, image how many minutes before or after on the basis of the time for detecting the CM, ***or the image for how many seconds from how many minutes after CM detection.***" In other words, the time setting input circuit uses a predetermined timing specification for setting the extraction time (how many minutes after CM detection) and the extraction period (for how many seconds). In view of these features as taught by Shimazaki, the reference still stands as a valid rejection over the claimed invention. The previous Office Action has been copied and pasted below, with various edits made in order to compensate for the various claim amendments.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-12, 15-35, 38-47, and 49-50 are rejected under 35 U.S.C. 102(e) as being anticipated by Shimazaki et al (USP 6,160,950), cited by examiner.

Regarding claim 1, the claimed “recording apparatus” is met as follows:

- The claimed “input means for inputting an image signal stream” is met by the input terminal 1 for receiving a video and audio signal [col. 3, lines 35-36].
- The claimed “recording means for recording the image signal stream input by said input means on a storage device” is met by the recording and reproducing means 9 for recording and reproducing the video and audio signal [col. 3, lines 40-42].
- The claimed “extraction means for extracting a part of image signals from the image signal stream to be recorded on the storage device, in accordance with procedure information designating predetermined extraction timings and predetermined extraction periods at the predetermined extraction timings to extract parts of image signals wherein

predetermined extraction periods at some of the predetermined extraction timings are different from each other” is met by the Shimazaki reference, wherein he clearly teaches the ability to vary the extraction periods at different extraction points for the purpose of creating an index (or digest) of the recorded video. Column 10, lines 41-47 clearly teach that “by the **time setting input circuit 713, it is possible to set the time range of the image to be recorded as index**, such as the image 1 minute after CM detection, image 2 minutes before CM detection, image how many minutes before or after on the basis of the time for detecting the CM, **or the image for how many seconds from how many minutes after CM detection.**” In other words, the time setting input circuit uses a predetermined timing specification for setting the extraction time (how many minutes after CM detection) and the extraction period (for how many seconds). Embodiment 7 [col. 11, lines 41-57] clearly disclose that the time setting input circuit 713 can be the only means for extracting index images, see Figure 15.

Regarding claim 2, the claimed “extraction means comprises storage means for storing a plurality of pieces of procedure information that represent a plurality of predetermined extraction timings and predetermined extraction periods at the timings, and said extraction means extracts parts of image signals in accordance with a piece of procedure information selected from the plurality of pieces of procedure information” is met by the same discussion mentioned above. The Shimazaki reference clearly

teaches the ability to vary the extraction periods at different extraction points for the purpose of creating an index (or digest) of the recorded video. Column 10, lines 41-47 clearly teach that “by the ***time setting input circuit 713, it is possible to set the time range of the image to be recorded as index***, such as the image 1 minute after CM detection, image 2 minutes before CM detection, image how many minutes before or after on the basis of the time for detecting the CM, ***or the image for how many seconds from how many minutes after CM detection.***” In other words, the time setting input circuit uses a predetermined timing specification for setting the extraction time (how many minutes after CM detection) and the extraction period (for how many seconds). Embodiment 7 [col. 11, lines 41-57] clearly disclose that the time setting input circuit 713 can be the only means for extracting index images, see Figure 15.

Regarding claim 3, the claimed “extraction means selects one procedure information from the plurality of pieces of procedure information in accordance with an instruction from a user” is met by the ability for the user to set a time suited to the content of the program or feature of the genre [col. 11, lines 49-50].

Regarding claim 4, the claimed “plurality of pieces of procedure information correspond to different video genres, and said extraction means selects the piece of procedure information in accordance with a video genre designated by the user” is met by the same discussion, wherein the user has the ability to select plural time setting portions based upon the genre of the program [col. 11, lines 49-57].

Regarding claim 5, the claimed “input means comprises reception means for receiving a broadcast wave” is met by input terminal 1 for receiving a video and audio

Art Unit: 2614

signal [col. 3, lines 35-36] broadcast over ground wave, satellite, or cable [col. 7, line 26]. The claimed "generation means for generating the image signals from the broadcast wave received by said reception means" is met by the reproduction control means 10 and the output terminal 13 for issuing the reproduced signal [col. 3, lines 46-52]. The claimed "extraction means selects one procedure information from the plurality of pieces of procedure information on the basis of program information superposed on the broadcast wave and extracts a part of image signals in accordance with the selected procedure information" is met by the discussion of setting the reference time for extracting digest information based on information (such as genre) extracted from the SI (service information) [col. 7, lines 18-21].

Regarding claim 6, the claimed "change means for changing the extraction procedure of the procedure information" is met by the control of the time setting input circuit 713 of Embodiment 7, which can be used to arbitrarily set the time settings for extraction of the digest images [col. 11, lines 47-49].

Regarding claim 7, the claimed "extraction means generates an extracted image signal stream by extracting a part of image signals from the image signal stream that is being recorded by said recording means, and said recording means records the extracted image signal stream on the storage device" is met by the HDD of Embodiment 4 for recording the program data and index image data from the video and audio data [col. 9, lines 56-58].

Regarding claim 8, the claimed "storage device includes a magnetic tape, and said recording means records the extracted image signal stream in a predetermined

Art Unit: 2614

area on the magnetic tape” is met by the magnetic tape used in embodiment 1 [col. 12, lines 55-61].

Regarding claim 9, the claimed “extraction means generates extraction position information representing a recording position on the device for a part of image signals corresponding to the extraction timing in the image signal stream recorded on the storage device” is met by the recording and reproducing means 45 including a disk as a recording medium for recording audio and video signals and digest addresses [col. 8, lines 23-25], which digest address points to the specific point in the program where the digest information is extracted.

Regarding claim 10, the claimed “storage device is a random-accessible medium having a number of clusters, and the extraction position information represents a position of a cluster on which a part of image signals corresponding to the extraction timing are recorded” is met by the HDD 714 for recording the program data and index image data from the video and audio data [col. 9, lines 56-58] and by the index reproduction control circuit 720 for controlling the address of the index portion [col. 12, lines 25-33].

Regarding claim 11, the claimed “recording means further records the extraction position information on the storage device” is met by the ability to store the digest address [col. 8, lines 23-25], which can later be used to index and control the address of the indexed portion [col. 12, lines 25-33].

Regarding claim 12, the claimed “extraction means further extracts a part of image signals in accordance with a degree of change in image signals contained in the

image signal stream” is met by the Speech level detecting means 3, which compares the input speech level to a reference speech level 4 and extracts digest information based on the comparison and change in audio information [col. 7, lines 4-8].

Regarding claim 15, see the above rejection to claims 1 and 2.

Regarding claim 16, the claimed “extraction means comprises genre detection means for detecting a genre of the image signal and selects the piece of procedure information in accordance with the genre detected by said genre detection means” is met by the discussion wherein the time setting input circuit 713 has the ability to select plural time setting portions based upon the genre of the program [col. 11, lines 49-57].

Regarding claim 17, the claimed “plurality of pieces of procedure information correspond to a plurality of genres” is met by the genres, as discussed in column 11, lines 49-57.

Regarding claim 18, the claimed “genre detection means detects the genre of the image signal on the basis of program information superposed on the broadcast wave” is met by the discussion of setting the reference time for extracting digest information based on information (such as genre) extracted from the SI (service information) [col. 7, lines 18-21].

Regarding claim 19, the claimed “extraction means generates an extracted image signal stream formed from some extracted image signals, and said recording means further records the extracted image signal stream on the storage medium” is met by the HDD of Embodiment 4 for recording the program data and index image data from the video and audio data [col. 9, lines 56-58].

Art Unit: 2614

Regarding claim 20, the claimed "extraction means generates extraction position information representing a recording position of an image signal on the device, which corresponds to a part of image signals in the image signals recorded on said storage medium" is met by the ability to store the digest address [col. 8, lines 23-25], which can later be used to index and control the address of the indexed portion [col. 12, lines 25-33].

Regarding claim 21, see the above rejection to claims 1 and 2.

Regarding claim 22, the claimed "setting means further comprises genre detection means for detecting a genre of the image signal and sets the extraction timing and extraction period in accordance with procedure information corresponding to the genre detected by said genre detection means" is met by the discussion wherein the time setting input circuit 713 has the ability to select plural time setting portions based upon the genre of the program [col. 11, lines 49-57].

Regarding claim 23, the claimed "genre detection means detects the genre of the image signal on the basis of program information superposed on the broadcast wave" is met by the discussion of setting the reference time for extracting digest information based on information (such as genre) extracted from the SI (service information) [col. 7, lines 18-21].

Regarding method claims 24-35 and 38-46, see the above rejections of claims 1-12 and 15-23, directed to the same invention in apparatus terminology.

Regarding claim 47, see the above rejections to claims 1 and 2.

Regarding claim 49, see the above rejections to claims 1 and 2.

Regarding claim 50, see the above rejections to claims 1 and 2.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael R. Shannon who can be reached at (571) 272-7356 or Michael.Shannon@uspto.gov. The examiner can normally be reached by phone Monday through Friday 8:00 AM – 5:00PM, with alternate Friday's off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at (571) 272-7353.

Any response to this action should be mailed to:

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

Mail Stop _____
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Effective January 14, 2005, except correspondence for Maintenance Fee payments, Deposit Account Replenishments (see 1.25(c)(4)), and Licensing and Review (see 37 CFR 5.1(c) and 5.2(c)), please address correspondence to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolater, etc.) as follows:

United States Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Some correspondence may be submitted electronically. See the Office's Internet Web site <http://www.uspto.gov> for additional information.

Or faxed to: (571) 273-8300


Hand-delivered responses should be brought to:

Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is **(571) 272-2600**.

Michael R Shannon
Examiner
Art Unit 2614

Michael R Shannon
November 21, 2005


JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600